

## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO. FILING DATE		NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/753,912 01/03/2001		Martin Lakes	3380/371	2564		
757	7590	07/31/2002				
		SON & LIONE	EXAMINER			
P.O. BOX 10 CHICAGO,			DEPUMPO, DANIEL G			
				ART UNIT	PAPER NUMBER	
				3611		_
				DATE MAILED: 07/31/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.



Application No. 09/753,912

Applicant(s)

Office Action Summary

Examiner

Daniel G. DePumpo

Art Unit

3611

Lakes



- The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE3			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE		The MAILING DATE of this communication appears	on the cover sheet with the correspondence address
THE MALLING DATE OF THIS COMMUNICATION.  Extension of the may be available under the provisions of 27 GPR 1.138 (a). In no event, however, may a reply be trivally filled after SIX (b) MONTHS from the malling date of this communication.  If No penied for really is specified above, the maximum statutory period will explore any within the affection, which is the penied for really provided the control of the communication.  If No penied for really is specified above, the maximum statutory period will explore any will be considered timely.  If No penied for really is application to the control of the communication.  If No penied for really is applicated to the control of the communication.  If No penied for really is application of the communication.  Responsive to communication(s) filled on Jul 1, 2002  2a  This action is FINAL.  2b  This action is really the penied the making date of the communication, event if there's field, may reduce any example and penied the penied patient term adjustment. See 37 GPR 1.704(b).  Status  1  Responsive to communication(s) filled on Jul 1, 2002  2a  This action is FINAL.  2b  This action is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.  Disposition of Claims  4  Claim(s) 1-32		• •	
maling date of the communication.  If the pended reply specified above, the maximum statutory period will apply and will expect SIX (8) MONTRS from the multiple date of the communication.  If NO pended for reply is appointed above, the maximum statutory period will apply and will expect SIX (8) MONTRS from the multiple date of the communication.  If NO pended for reply is appointed above, the maximum statutory period will apply and will expect SIX (8) MONTRS from the multiple date of the communication, even if timely filed, may reduce any search application is provided by the Office state that the melling date of this communication, even if timely filed, may reduce any search application is provided and so the maximum statutory period will apply and will expect from application as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.  Disposition of Claims  4) Claims 1-32 is/are pending in the application.  4) Of the above, claim(s) 6-8, 15-17, 23-25, and 30-32 is/are pending in the application.  4) Claim(s) is/are allowed.  5) Claim(s) is/are allowed.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  8) Claims are subject to restriction and/or election requirement Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are allowed.  11) The proposed drawing correction filed on is/are allowed.  12) Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. \$ 119(a)-(d) or (f).  2) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. \$ 119(a)-(d) or (f).  3) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. \$ 119(a)-(d) or (f).  4) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. \$ 119(a)-(d) or (f).  3) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. \$ 119(a)-(d) or (f).  4) Acknowledgement is	THE	MAILING DATE OF THIS COMMUNICATION.	
1)	mailing - If the p - If NO p - Failure - Any re	date of this communication.  beriod for reply specified above is less than thirty (30) days, a reply within the seriod for reply is specified above, the maximum statutory period will apply a to reply within the set or extended period for reply will, by statute, cause the ply received by the Office later than three months after the mailing date of the seriod of the control of the	e statutory minimum of thirty (30) days will be considered timely.  nd will expire SIX (6) MONTHS from the mailing date of this communication.  e application to become ABANDONED (35 U.S.C. § 133).
2a) ☐ This action is FINAL.  2b) ☑ This action is non-final.  3] ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.  Disposition of Claim(s)  4  ☑ Claim(s) 1-32	Status		
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closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.  Disposition of Claims  4) \( \times \) Claim(s) \( \frac{J.2}{J.2} \) is/are pending in the application.  4a) Of the above, claim(s) \( \frac{6.8, 15-17, 23-25, and 30-32} \) is/are withdrawn from consideration is/are allowed.  5) \( \times \) Claim(s) \( \frac{J.5, 9-14, 18-22, and 26-29} \) is/are objected to.  8) \( \times \) Claim(s) \( \frac{J.5, 9-14, 18-22, and 26-29} \) is/are objected to.  8) \( \times \) Claim(s) \( \frac{J.5, 9-14, 18-22, and 26-29} \) is/are objected to.  8) \( \times \) The specification is objected to by the Examiner.  4) \( \times \) The specification is objected to by the Examiner.  10) \( \times \) The proposed drawing correction filed on \( \frac{J.5}{J.5} \) is/are allowed.  11) \( \times \) The proposed drawing correction filed on \( \frac{J.5}{J.5} \) is a ccepted or \( \times \) objected to by the Examiner.  12) \( \times \) The oath or declaration is objected to by the Examiner.  12) \( \times \) The oath or declaration is objected to by the Examiner.  12) \( \times \) The oath or declaration is objected to by the Examiner.  12) \( \times \) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. \( \frac{5}{5} 119(a)-(d) \) or \( \frac{1}{5} \).  3) \( \times \) Corrisos of the priority documents have been received in Application No.  3. \( \times \) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies on treceived.  14) \( \times \) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. \( \frac{5}{5} 120 \) and/or 121.  Attachmentle)  10) \( \times \) Action of Intrinserson Patent Drawing Review (PTO-948)  5) \( \times \) Notice of Intrimates Application (PTO-113) Paper No(a).	2a) 🗌	This action is <b>FINAL</b> . 2b)   ✓ This act	ion is non-final.
Algorithms   1-32   is/are pending in the application.	3) 🗆		·
is/are withdrawn from consideration   is/are allowed.   is/are allowed.   is/are allowed.   is/are allowed.   is/are allowed.   is/are allowed.   is/are objected to.   is/are objected to papers   is/are objected to by the Examiner.   It is proved to papers   is/are allowed.   is/are allowed.   is/are objected to by the Examiner.   Application is objected to by the Examiner.   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   It is proved, corrected drawings are required in reply to this Office action.   It is approved by the Examiner.   If approved, corrected drawings are required in reply to this Office action.   It is approved.   It is approved to the drawings are required in reply to this Office action.   It is approved.   It is approved to the drawings are required in reply to this Office action.   It is approved by the Examiner.   It is approved.   It is approved to the drawings are required in reply to this Office action.   It is approved by the Examiner.   It is approved.   It is approved by the Examiner.   It is approved.   It is approved by the Examiner.   It is approved.   It is approved by the Examiner.   It is approved.   It is approved by the Examiner.   It is approved by the Examiner.   It is approved.   It is approved by the Examiner.   It is approved.   It is approved by the Examiner.	Disposi	ion of Claims	·
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Is/are objected to.	5) 🗆	Claim(s)	is/are allowed.
Application Papers  9)	6) 💢	Claim(s) 1-5, 9-14, 18-22, and 26-29	is/are rejected.
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	3) 🔲 lm	ormation Disclosure Statement(s) (PTO-1449) Paper No(s).	6}

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1. In view of the new grounds of rejection, not necessitated by amendment, this Office

Action is non-final.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use

or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Helm et

al.

Helm discloses a crawler vehicle having the structure as claimed. As shown in fig. 1, the

left and right crawler assemblies (66) are identical. Also, the left and right drive assemblies (60)

are identical. Helms discloses lower works 20 and a ring gear 24 associated with conventional

upper works (not shown) (col. 3, lines 10-14). The disclosure of a ring gear associated with

conventional upper works is considered to constitute a teaching of rotatably mounted upper

works as claimed.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the

manner in which the invention was made.

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5. Claims 18-20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm in view of Eckert.

As set forth above, Helm teaches substantially all that is claimed, but does not teach the use of a hydraulic drive assembly. Eckert, however, discloses the common use of a hydraulic drive assembly 60. The drive assemblies are interchangeable from left to right (col. 4, lines 12-14) and are therefore, considered to be identical to the same degree as claimed. It would have been obvious to modify Helm by using a hydraulic drive assembly for well known benefits such as eliminating the weight and cost of drive train associated with a direct drive system such as in Helm, and to provide design flexibility in locating the drive assembly. It would have also been obvious to use identical drive assemblies, as taught by Eckert, to eliminate the necessity for stocking different types of parts and resulting in manufacturing and maintenance economies (col. 1, lines 33-35).

6. Claims 4, 5, 13, 14, 18-22 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm in view of Porubcansky et al.

As set forth above, Helm teaches substantially all that is claimed, but does not teach the use of a hydraulic drive assembly and drive shafts. Porubcansky, however, discloses a hydraulic drive assembly (94, 112, 114, etc.) and drive shafts 90. As shown in fig. 3, the drive assemblies are depicted as being identical. It would have been obvious to modify Helm by using a hydraulic drive assembly for well known benefits such as eliminating the weight and cost of drive train associated with a direct drive system such as in Helm, and to provide design flexibility in

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positioning the drive assembly. It would have also been obvious to use the system disclosed by Porubcansky to provide for easy removal of the crawlers from the car body for ease of transport.

- 7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel G. DePumpo whose telephone number is (703) 308-1113.

DANIEL G. DEPUMPO

dgd

July 29, 2002